

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/18/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA,	:	<u>FINAL ORDER OF FORFEITURE</u>
-v.-	:	<u>AS TO SPECIFIC PROPERTY</u>
	:	05 Cr. 1039 (CM)
SAMUEL ISRAEL III,	:	
Defendant.	:	

-----x

WHEREAS, on September 29, 2005, the defendant SAMUEL ISRAEL III (the "defendant") was charged in Information 05 Cr. 1039 (the "Information") with conspiracy to commit investment adviser fraud and mail fraud, in violation of 18 U.S.C. § 371 (Count One); investment adviser fraud, in violation 15 U.S.C. §§ 80b-6 and 80b-17 (Count Two); and mail fraud, in violation of 18 U.S.C. § 1341 (Count Three);

WHEREAS, the Information included a forfeiture allegation charging that the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses set forth in Counts One and Three of the Information, to wit, a sum of money equal to \$450 million, representing the amount of proceeds obtained as a result of the conspiracy and mail fraud offenses alleged in this Information, for which the defendant and his co-conspirators are jointly and severally liable, with said sum including, but not

limited to, all right, title and interest of the defendant in the following, and all property traceable thereto:

a. Approximately \$100,010,673.68 on deposit at Bank of America in the name of the Arizona State Treasurer and referenced as SW 2005-001633;

b. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and

c. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant;

WHEREAS, on September 29, 2005, the defendant pleaded guilty to the three-count Information. In a letter pursuant to the suggestion of the Court in United States v. Pimentel, 932 F.2d 1029, 1034 (2d Cir. 1991), the Government advised that (i) with respect to the offenses charged in Counts One and Three, criminal forfeiture of all property constituting or derived from proceeds traceable to the commission of the offenses is mandatory pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461; (ii) at present, the Government believes that this is an amount not less than \$450,000,000; and (iii) the specific property subject to forfeiture, as property constituting or derived from proceeds traceable to the commission of the offenses, includes, but is not limited to, the following:

a. Approximately \$100,010,673.68 on deposit at Bank of America in the name of the Arizona State Treasurer and referenced as SW 2005-001633 (the "Arizona Seized Funds");

b. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and

c. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant,

(the "Specific Property Listed in the Information");

WHEREAS, the defendant consents to the forfeiture of all of his right, title and interest in the Specific Property Listed in the Information as property constituting proceeds traceable to the offenses set forth in Counts One and Three of the Information, and property traceable to such property;

WHEREAS, on or about October 20, 2005, the Court entered a Preliminary Order of Forfeiture (the "Order") against the defendant SAMUEL ISRAEL III, as to the following property (without prejudice to the Government's seeking an Amended Preliminary Order which specifies all of the forfeitable assets included in the Information and plea agreement):

a. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and

B. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant,

(the "Forfeited Property"). A copy of the Order is attached hereto as Exhibit A and incorporated herein by reference as if set out in full;

WHEREAS, on March 23, 2007, the Court entered an Amended Preliminary Order of Forfeiture (the "Amended Order"), because the Government identified additional specific assets which are forfeitable under the Order:

a. \$500,000 plus interest at a rate of 6 percent per annum, representing the payment on a promissory note dated November 11, 2004 (included within item (a), above) (CATS 06-FBI-002664);

b. All right, title and interest of the defendant in any investments in Acopia entities or partnerships, including but not limited to, the following funds placed on deposit in the USMS Seized Assets Deposit Account on or about September 20, 2006:

- i. Meritech, \$154,909.80;
- ii. Charles River, \$470,738.25;
- iii. Accel, \$318,973.95; and
- iv. Star, \$214,177.50,

(included within item (a), above) (CATS 06-FBI-001416);

c. \$100,727,434.02 on deposit in the USMS Seized Assets Deposit Account, representing Bayou investor funds in the amount of at least \$100,001,102.00 (plus interest) that were transferred by the defendants to Account No. 2000026084477 in the name of Majestic Capital Management at Wachovia National Bank in Flemington, New Jersey (CATS 05-FBI-004712); and

d. \$236,954.58 on deposit in the USMS Seized Assets Deposit Account, representing monies held by or for the benefit of the defendant (included within item (b), above) (CATS 06-FBI-001416),

and all property traceable to such property, including but not limited to all interest and income accrued thereon (hereinafter,

the "Specific Property"); A copy of the Amended Order is attached hereto as Exhibit B and incorporated herein by reference as if set out in full;

WHEREAS, the provisions of 21 U.S.C. § 853(n)(1), require publication of notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Defendant Currency;

WHEREAS, on November 4, 2005, notice of the forfeiture action was sent by certified mail to Lawrence S. Bader, Esq., as counsel to the defendant, at the Law Offices of Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer P.C., 565 Fifth Avenue, New York, NY 10017. A copy of the notice and certified mail receipt is attached hereto as Exhibit C;

WHEREAS, notice of the Order of forfeiture was duly published in the New York Law Journal, once in each of three successive weeks beginning on November 30, 2005. Proof of such publications were filed with the clerk of the Court on January 30, 2006.

WHEREAS, notice of the Amended Order of forfeiture was duly published in the U.S.A. Today, once in each of three successive weeks beginning on May 23, 2007. Proof of such publications were filed with the clerk of the Court on August 13, 2007. Copies of the proof of such publications are attached hereto as Exhibit D;

WHEREAS, pursuant to 21 U.S.C. § 853, the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within 30 days of final publication of notice of the forfeiture as set forth in 21 U.S.C. § 853 (n)(1); and

WHEREAS, 30 days have expired since final publication of notice and no petitions to contest the forfeiture have been filed;

WHEREAS, on April 14, 2008, the defendant was sentenced to, among other things, a forfeiture money judgment in the amount of \$300,000,000.00, and forfeiture of the Specific Property as listed in the Amended Order. It is the intention of this Office to request that the forfeited property be restored to the victims as listed in the Restitution Order to be entered by this Court;

NOW, THEREFORE, on the application of MICHAEL J. GARCIA, United States Attorney for the Southern District of New York, by Sharon Cohen Levin, Assistant United States Attorney, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses in the Information, for which the defendant pled guilty, a money judgment in the amount of \$300,000,000.00 shall be entered against the defendant.

2. The Specific Property is hereby forfeited to the

United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), and shall be applied to the outstanding Money Judgment, in partial satisfaction, thereof.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

4. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

5. The Clerk of the Court shall forward four certified copies of this order to Assistant U.S. Attorney Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
April 14, 2008

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Colleen McMahon", written over a horizontal line.

HONORABLE COLLEEN McMAHON
UNITED STATES DISTRICT JUDGE

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

UNITED STATES OF AMERICA,

-v.-

SAMUEL ISRAEL III,

D.

WHEREAS

ISRAEL III (the "Information")

1039 (the "Information")

adviser fraud and

in violation of 18 U.S.C. § 371 (Count One); investment adviser fraud, in violation 15 U.S.C.

§§ 80b-6 and 80b-17 (Count Two); and mail fraud, in violation of 18 U.S.C. § 1341 (Count Three);

WHEREAS, the Information included a forfeiture allegation charging that the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses set forth in Counts One and Three of the Information, to wit, a sum of money equal to \$450 million, representing the amount of proceeds obtained as a result of the conspiracy and mail fraud offenses alleged in this Information, for which the defendant and his co-conspirators are jointly and severally liable, with said sum including, but not limited to, all right, title and interest

PRELIMINARY ORDER OF
FORFEITURE/FINAL ORDER OF
FORFEITURE AS TO
SAMUEL ISRAEL III

1039 (SER)

(CM) U.S. DISTRICT COURT
FILED
OCT 20 2005
fendant SAMUEL ISRAEL III
Information 05 Cr.
Investment

*Exhs for
Israel final*

*- SCL to review for
- take copies exhs.*

By: [Signature]

of the defendant in the following, and all property traceable thereto:

a. Approximately \$100,010,673.68 on deposit at Bank of America in the name of the Arizona State Treasurer and referenced as SW 2005-001633;

b. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and

c. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant;

WHEREAS, on September 29, 2005, the defendant pleaded guilty to the three-count Information. In a letter pursuant to the suggestion of the Court in United States v. Pimentel, 932 F.2d 1029, 1034 (2d Cir. 1991), the Government advised that (i) with respect to the offenses charged in Counts One and Three, criminal forfeiture of all property constituting or derived from proceeds traceable to the commission of the offenses is mandatory pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461; (ii) at present, the Government believes that this is an amount not less than \$450,000,000; and (iii) the specific property subject to forfeiture, as property constituting or derived from proceeds traceable to the commission of the offenses, includes, but is not limited to, the following:

a. Approximately \$100,010,673.68 on deposit at Bank of America in the name of the Arizona State Treasurer and referenced as SW 2005-001633 (the "Arizona Seized Funds");

b. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and

c. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant,

(the "Specific Property Listed in the Information");

WHEREAS, the defendant consents to the forfeiture of all of his right, title and interest in the Specific Property Listed in the Information as property constituting proceeds traceable to the offenses set forth in Counts One and Three of the Information, and property traceable to such property;

WHEREAS, the Government has applied for a Preliminary Order of Forfeiture as to the following properties (without prejudice to a further application for an Amended Preliminary Order which includes a money judgment and all of the Specific Property Listed in the Information):

a. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and

B. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant,

(the "Forfeited Property").

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461 and Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, and based on the defendant's guilty plea and his consent to the forfeiture of his interest in the Specific Property Listed in the Information as property constituting proceeds traceable to the offenses set forth in Counts One and Three of the Information, and property traceable to such property, the Court finds that the defendant shall forfeit all of his right, title and interest in the Forfeited Property, as property constituting proceeds traceable to the offenses set forth in Counts One and Three of the Information, and property traceable to such property. Should the Government apply for and the Court enter an amended preliminary order finding that the defendant is also liable for a personal money judgment, and/or additional property, the Forfeited Property shall be credited toward the money judgment.

2. IT IS FURTHER ORDERED THAT all of the defendant's right, title and interest in the Forfeited Property is hereby forfeited to the United States for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n)(1).

3. The United States is hereby authorized to take possession of the Forfeited Property and to hold such Forfeited Property in its secure custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), the United States Department of Justice forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Forfeited Property and any additional facts supporting the petitioner's claim and the relief sought.

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Forfeited Property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to 21

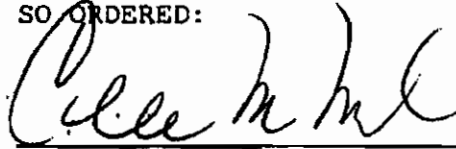
U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(c), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against the defendant SAMUEL ISRAEL III, shall be made part of the sentence of the defendant SAMUEL ISRAEL III, and shall be included in the judgment of conviction therewith.

9. The Clerk of the Court shall forward four certified copies of this order to Assistant U.S. Attorney Margery B. Feinzig, 300 Quarropas Street, White Plains, New York, 10601.

Dated: White Plains, New York
October 19, 2005

SO ORDERED:



HONORABLE STEPHEN G. ROBINSON
UNITED STATES DISTRICT JUDGE

Exhibit B



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, : AMENDED PRELIMINARY ORDER
: OF FORFEITURE/FINAL ORDER
: OF FORFEITURE AS TO
: SAMUEL ISRAEL III
:
SAMUEL ISRAEL III, :
: 05 Cr. 1039 (CM)
Defendant. :
-----X

WHEREAS, on or about October 20, 2005, the Court entered a Preliminary Order of Forfeiture (the "Order") as to SAMUEL ISRAEL III, the defendant (the "defendant") as to the following property (without prejudice to the Government's seeking an Amended Preliminary Order which specifies all of the forfeitable assets included in the Information and plea agreement):

- a. All right, title and interest of the defendant in any entities or partnerships, including but not limited to, IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and
- b. Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant;

A copy of the Order is attached hereto as Exhibit A and incorporated herein by reference as if set out in full;

WHEREAS, since the Order was entered, the Government has identified the following specific assets which are subject to the Order:

A CERTIFIED COPY
J. MICHAEL McMAHON, CLERK

BY W. Marcos Quintero
DEPUTY CLERK

MICROFILM

MAR 23 2007 -3PM

a. \$500,000 plus interest at a rate of 6 percent per annum, representing the payment on a promissory note dated November 11, 2004 (included within item (a), above) (CATS 06-FBI-002664);

b. All right, title and interest of the defendant in any investments in corporations, partnerships, including but not limited to, the following funds placed on deposit in the USMS Seized Assets Deposit Account on or about September 20, 2006:

- i. Meritech, \$154,909.80;
- ii. Charles River, \$470,738.25;
- iii. Accel, \$318,973.95; and
- iv. Star, \$214,177.50,

(included within item (a), above) (CATS 06-FBI-001416);

c. \$100,727,434.02 on deposit in the USMS Seized Assets Deposit Account, representing Bayou investor funds in the amount of at least \$100,001,102.00 (plus interest) that were transferred by the defendants to Account No. 2000026084477 in the name of Majestic Capital Management at Wachovia National Bank in Flemington, New Jersey (CATS 05-FBI-004712); and

d. \$236,954.58 on deposit in the USMS Seized Assets Deposit Account, representing monies held by or for the benefit of the defendant (included within item (b), above) (CATS 06-FBI-001416),

and all property traceable to such property, including but not limited to all interest and income accrued thereon (hereinafter, the "Specific Property");

WHEREAS, the Government has applied for an Amended Order as to the Specific Property:

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest of the defendant in the Specific Property, and all property traceable to such property, is hereby forfeited to the United States of America for

disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n)(1), as property constituting proceeds traceable to the offenses set forth in Counts One, Three and Four of the indictment, and property traceable to such property.

2. The United States is hereby authorized to take possession of the Specific Property and hold such Specific Property in its secure custody and control.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States Department of Justice forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Amended Order, notice of the United States' intent to dispose of the Specific Property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the Specific Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought.

5. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property that is the subject of this Order of Forfeiture as a substitute for published notice as to those persons so notified.

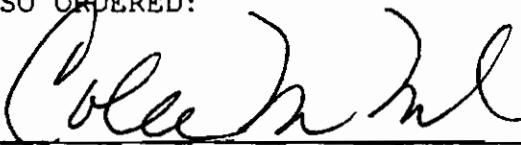
6. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(c), in which all interests will be addressed.

7. Pursuant to Rule 32.2(b) (3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against the defendant SAMUEL ISRAEL III, shall be made part of the sentence of the defendant SAMUEL ISRAEL III, and shall be included in the judgment of conviction therewith.

8. The Clerk of the Court shall forward four certified copies of this order to Assistant U.S. Attorney Barbara A. Ward, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
March 22, 2007

SO ORDERED:



HONORABLE COLLEEN McMAHON
UNITED STATES DISTRICT JUDGE

Exhibit C



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 4, 2005

CERTIFIED MAIL-RETURN

RECEIPT REQUESTED

Lawrence S. Bader, Esq.
Morvillo, Abramowitz, Grand, Iason & Silberberg P.C.
565 Fifth Avenue
New York, NY 10017

Re: United States v. Samuel Israel III
05 Cr. 1039

Dear Mr. Bader:

Enclosed is a copy of the Preliminary Order of
Forfeiture that has been entered against your client.

Very Truly Yours,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: Barbara Ward/AS
Barbara Ward
Assistant United States Attorney
Asset Forfeiture Unit
(212) 637-1048

U.S. Postal Service™
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7003 2260 0000 4032 4432

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

to Lawrence S. Bader, Esq.
 Morvillo, Abramowitz, Grand,
 Iason & Silberberg P.C.
 565 Fifth Avenue
 New York, NY 10017

PS Form 3811, January 2004 See Reverse for Instructions

Baron Patton Order

SENDER INFORMATION

☒ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☒ Print your name and address on the reverse so that we can return the card to you.
☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lawrence S. Bader, Esq.
 Morvillo, Abramowitz, Grand,
 Iason & Silberberg P.C.
 565 Fifth Avenue
 New York, NY 10017

A. Signature *[Signature]* ☐ Agent ☐ Addressee

X *[Signature]*

B. Received by (Printed Name) *Servano* C. Date of Delivery *11-9-05*

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

1. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article N (Transfer) 7003 2260 0000 4032 4432

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Exhibit D

Notices

7:05-cr-01039-CM USA v. Israel III

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was received from Ward, Barbara entered on 1/30/2006 at 11:50 AM EST and filed on 1/30/2006

Case Name: USA v. Israel III

Case Number: 7:05-cr-1039

Filer:

Document Number: 16

Docket Text:

NOTICE of Publication as to Samuel Israel III (Ward, Barbara)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=1/30/2006] [FileNumber=1991816-0]
][2bd79bfb113a12dcce40d9db79671dfbf04578f9262ec0961b584380aaa0ac54cc8
71314c3bd5ea007196524fd619b7b5be505994b73bdae91f19d2d775a2da3]]

7:05-cr-1039-1 Notice will be electronically mailed to:

Lawrence S. Bader lbader@magislaw.com

Margery Beth Feinzig margery.feinzig@usdoj.gov

7:05-cr-1039-1 Notice will be delivered by other means to:

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIVED AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER 05 Cr. 1039 (SCR)
DEFENDANT Samuel Israel III,	TYPE OF PROCESS Publication

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Sandy Moo, USMS	RECEIVED 2005 NOV 21 PM 5:25 U.S. MARSHAL'S SERVICE SOUTHERN DISTRICT OF NEW YORK
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 500 Pearl Street, New York, New York 10007	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT OF NEW YORK ONE SAINT ANDREW'S PLAZA NEW YORK, NY 10007-1703 ATTENTION: Abigail Seda	Number of process to be served with this Form	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address(es), Telephone Numbers, and Estimated Times Available For Service):
None

Please publish the following notice of publication in a newspaper of general circulation for three consecutive weeks.

CATS # 05-FBI-004712

Please return to FSA Paralegal Abigail Seda, 212-637-2559

Signature of Attorney or other Originator requesting service on behalf of: AUSA BARBARA WARD	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 212-637-1048	DATE 11/2/05
---	---	----------------------------------	-----------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 54	District to Serve No. 54	Signature of Authorized USMS Deputy or Clerk Sandy Moo	Date 11/21/05
---	---------------	------------------------------	-----------------------------	---	------------------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown to "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above)	Date of Service 11/25/06	Time am
	Signature of U.S. Marshal or Deputy Sandy Moo	
Service Fee	Total Mileage Charges (including out-of-pocket)	Forwarding Fee
		Total Charges
		Advance Deposits
	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS:

1/25/06 - Notice was published in the New York Law Journal on November 30, December 7 & 14, 2005. (copy attached)

STATE OF NEW YORK
County of New York, s:

**NOTICE OF:
UNITED STATES V.
SAMUEL ISRAEL III
SS CR, 1039 (SCF)**

NOTICE IS HEREBY given that on November 23, 2005 in the case of United States v. SAMUEL ISRAEL III, 05 Cr. 1039 (SCF), the United States District Court for the Southern District of New York entered a Preliminary Order of Forfeiture condemning and forfeiting SAMUEL ISRAEL III's right, title, and interest in (a) Approximately \$100,010,873.68 on deposit at Bank of America in the name of the Arizona State Treasurer and referenced as SW 2005-001633; (b) All right, title and interest of the defendant in any entities or partnerships, including but not limited to IM Partners and IMG LLC, and any and all assets, including bank accounts, held by or for the benefit of such entities or partnerships; and (c) Any and all interests in any bank accounts and/or brokerage accounts held by or for the benefit of the defendant.

The Preliminary Order of Forfeiture having been entered on October 13, 2005, the United States hereby gives notice of its intention to dispose of the forfeited properties in such a manner as the United States Marshal may direct. Any person having or claiming a legal right, title or interest in the aforementioned property must file a petition within thirty (30) days of the final publication of this notice, which will be January 13, 2006, the petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

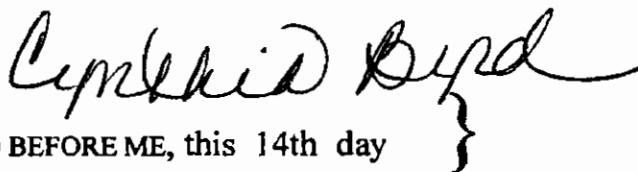
MICHAEL J. GARCIA
U.S. Attorney/SDNY

JOSEPH R. GUCCIONE
U.S. Marshal/SDNY

611106 n30-W d14

Cynthia Byrd, being duly sworn, says that she is the **PRINCIPAL CLERK** of the Publisher of the **NEW YORK LAW JOURNAL**, a Daily Newspaper; that the Advertisement hereto annexed has been published in the said **NEW YORK LAW JOURNAL** in each week for 3 successive weeks, commencing on the 30th day of November, 2005.

TO WIT: NOVEMBER 30, 2005 DECEMBER 7, 14, 2005



SWORN TO BEFORE ME, this 14th day
Of December, 2005.



Jennifer Hannafey
Notary Public, State of New York
No. 01ha6128042
Qualified in Richmond County
Commission Expires June 06, 2009

RECEIVED
2006 JAN 24 PM 5:29
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SOUTHERN NEW YORK

SDNY CM/ECF Version 3.0L

Page 1 of 1

Service of Process

1:05-cr-01039-CM USA v. Israel III

ECF

U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Ward, Barbara on 8/13/2007 at 3:31 PM EDT and filed on 8/13/2007

Case Name: USA v. Israel III

Case Number: 1:05-cr-1039

Filer: USA

Document Number: 26

Docket Text:

SERVICE BY PUBLICATION. A Amended Preliminary Order of Forfeiture was published in the USA Today on May 23, 29 and June 4, 2007. Document filed by USA as to Samuel Israel III. (Ward, Barbara)

1:05-cr-1039-1 Notice has been electronically mailed to:

Lawrence S. Bader lbader@magislaw.com

Margery Beth Feinzig margery.feinzig@usdoj.gov, USANYS.ECF@USDOJ.GOV

1:05-cr-1039-1 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=8/13/2007] [FileNumber=3681284-0]
][98e83d59a8d42a0b38c9e9f4636e8a4a9613a28ea13d7bd96571a062d4ab3e78b98
a6ecfac8d43dbdd1b971438b28c4981e10025b4ec78c76e3e44e1ba246328]]

U.S. Department of Justice
United States Marshals ServicePROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER 05 Cr. 1039 (SCR) (CM)
DEFENDANT SAMUEL ISRAEL III		TYPE OF PROCESS Publish- Amended Prelim
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Sandy Moo, USMS	
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 500 Pearl Street, New York, New York 10007	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		RECEIVED 2007 MAY 11 AM 11:04 U.S. MARSHAL SERVICE SOUTHERN DISTRICT OF NEW YORK
UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT OF NEW YORK		
ONE SAINT ANDREW'S PLAZA NEW YORK, NY 10007-1703 ATTENTION: Abigail Seda		
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):		Number of process to be served with this Form - 285 Number of parties to be served in this case Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please publish the following notice of publication in a newspaper of NATIONAL circulation for three consecutive weeks.

CATS # 06-FBI-002664, 06-FBI-001416, 05-FBI-004712

Please return to FSA Paralegal Abigail Seda, 212-637-2559

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
AUSA BARBARA WARD		212-637-1048	3/23/07

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 54	District to Serve No. 54	Signature of Authorized USMS Deputy or Clerk Sandy Moo	Date 5/11/07
I hereby certify and return that I <input checked="" type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input checked="" type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)					
Name and title of individual served (if not shown above)				A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above)				Date of Service 7/11/07	Time am pm
				Signature of U.S. Marshal or Deputy Sandy Moo	
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or Amount of Refund

REMARKS: 7/11/07 - Notice was published in the U.S.A. Today on May 23, May 29 and June 4, 2007. (copy attached)



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VERIFICATION OF PUBLICATION

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

Being duly sworn, Karri Dvir says that she is the principal clerk of USA TODAY, and is duly authorized by USA TODAY to make this affidavit, and is fully acquainted with the facts stated herein: on Wednesday, May 23, Tuesday, May 29, and Monday, June 4, the following advertisement – Notice of: United States v. Samuel Israel, was published in USA TODAY Domestic.

Karri Dvir

Principal Clerk of USA TODAY
June 7, 2007

Subscribed and sworn to before me
This 7th day of June month
2007 year.

Clayton
Notary Public

My Commission Expires September 30, 2009

today's dollars, according to the Energy Department.

The higher prices have had very little impact on the overall economy. Consumer confidence rose in May despite the surge in gasoline costs, and many retailers, such as Target, have posted strong sales in recent months. Although demand for gasoline has eased, it's still stronger than a year ago.

But for low-income households, the impact has been significant.

Mishi Davison, 28, recently told her supervisors at SunBridge Care and Rehabilitation in Tusculum, Ala., that she's looking for a job closer to her home in Morris Chapel, Tenn. The activities assistant, who says she loves her job planning events at the senior center, has been driving 66 miles each way to work in her 1998 Nissan Altima. Davison makes \$7.25 an hour.

"I'm spending almost half my paycheck every two weeks on gas," Davison says.

Davison started at SunBridge in January after getting out of an alcohol rehabilitation program nearby. But she recently moved in with her mom in Tennessee to be close to her kids, who are 8 and 6 and have been living with her sister-in-law. To regain custody, Davison says, she needs a home of her own. But with gasoline prices high, she has struggled to save enough to move out.

"I'm someone trying to do right in life, and I'm having a hard time," says Davison, who says it's even expensive to drive to her Alcoholics Anonymous meetings. "Life is stressful."

Jim Letts, a family medicine doctor in St. Paul, sees many of his low-income patients struggling with higher gasoline prices. It's forcing them to make tough choices, he says. Sometimes patients choose to take their medications erratically or not at all.

"For chronic conditions, that doesn't work," Letts says. "People are trying to balance paying \$80 a month for their medication and paying \$50 a (week) for gasoline."

Cars required for work

Low-income families are hit hard by rising gasoline prices mainly because they have little, if any, wiggle room in their expenses. But there are other factors in play:

► **Cars required.** Low-income workers often must drive.

Poorer families tend to live in central cities, but the strongest job growth in recent years has been in the suburbs, according to UCLA professor Matthew Kahn. From 1994 to 2000, the latest data avail-

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NOTICE OF: UNITED STATES v. DANIEL E. MARINO 05 Cr. 1036 (CM)

Notice is hereby given that on November 23, 2005, in the case of United States v. DANIEL E. MARINO, 05 Cr. 1036 (CM), the United States District Court for the Southern District of New York entered an Amended Preliminary Order of Forfeiture/Final as to DANIEL E. MARINO condemning and forfeiting his right, title, and interest in: (a) \$155,763.43 in cash; (b) \$300,000.00 transferred to the United States Marshals Service ("USMS") Seized Assets Deposit Account on or about September 6, 2006 as a substitute for the proceeds of the sale of the residence at 261 Bayberry Lane, Westport, Connecticut, 06880; (c) \$500,000 plus interest at a rate of 6 percent per annum, representing the payment on a promissory note dated November 11, 2004; (d) All right, title and interest of the defendant in any investments in Acopia entities or partnerships, including but not limited to, the following funds placed on deposit in the USMS Seized Assets Deposit Account on or about September 20, 2006: i. Maritech, \$154,909.80; ii. Charles River, \$470,738.25; iii. Accel, \$318,973.95; and iv. Sear, \$214,177.50; (e) \$100,727,434.02 on deposit in the USMS Seized Assets Deposit Account, representing Bayou Investor funds in the amount of at least \$100,001,102.00 (plus interest) that were transferred by the defendants to Account No. 2000026084477 in the name of Majestic Capital Management at Wachovia National Bank in Flemington, New Jersey; and (f) \$370,181.88 on deposit in the USMS Seized Assets Deposit Account, representing monies held by or for the benefit of the defendant, manner as the United States Marshal may direct. Any person having or claiming a legal right, title or interest in the aforementioned property must file a petition within thirty (30) days of the final publication of this notice, which will be July 5, 2007. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

MICHAEL J. GARCIA
U.S. Attorney/SDNY
JOSEPH R. GUCCIONE
U.S. Marshal/SDNY

NOTICE OF: UNITED STATES v. SAMUEL ISRAEL 05 Cr. 1039 (SCR)

Notice is hereby given that on March 23, 2007, in the case of United States v. SAMUEL ISRAEL, 05 Cr. 1039 (SCR), the United States District Court for the Southern District of New York entered an Amended Preliminary Order of Forfeiture/Final Order of Forfeiture as to SAMUEL ISRAEL, III, condemning and forfeiting his right, title, and interest in the following: (a) \$500,000 plus interest at a rate of 6 percent per annum, representing the payment on promissory note dated November 11, 2004; (b) All right, title and interest of the defendant in any investments in Acopia entities or partnerships, including but not limited to, the following funds placed on deposit in the USMS Seized Assets Deposit Account on or about September 20, 2006: i. Maritech, \$154,909.80; ii. Charles River, \$470,738.25; iii. Accel, \$318,973.95; and iv. Sear, \$214,177.50; (c) \$100,727,434.02 on deposit in the USMS Seized Assets Deposit Account, representing Bayou Investor funds in the amount of at least \$100,001,102.00 (plus interest) that were transferred by the defendants to Account No. 2000026084477 in the name of Majestic Capital Management at Wachovia National Bank in Flemington, New Jersey; and (d) \$236,954.58 on deposit in the USMS Seized Assets Deposit Account, representing monies held by or for the benefit of the defendant. The Amended Preliminary Order of Forfeiture having been entered on March 23, 2007, the United States hereby gives notice of its intention to dispose of the forfeited property in such a manner as the United States Marshal may direct. Any person having or claiming a legal right, title or interest in the aforementioned property must file a petition within thirty (30) days of the final publication of this notice, which will be July 5, 2007. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

MICHAEL J. GARCIA
U.S. Attorney/SDNY
JOSEPH R. GUCCIONE
U.S. Marshal/SDNY

The deadline for Legal Monday is 3 days prior to publication date.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v -

SAMUEL ISRAEL III,

Defendant- in-rem.

NOTICE OF PUBLICATION
05 Cr. 1039 (SCR)

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States of America
One St. Andrew's Plaza
New York, New York 10007
(212) 637-1048

BARBARA WARD
Assistant United States Attorney
-Of Counsel-